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jurisdiction of all but twenty-one classes of cases, including all actions for money damages. When two of the judges of that court considered erroneous a ruling precedent of the Supreme Court, the case was to be transferred to the latter. *Held*, that the statute is unconstitutional. *Ex parte France*, 95 N. E. 515 (Ind.).

It is well settled that only express provisions give to litigants a constitutional right to appeal. *People v. Richmond*, 16 Colo. 274, 26 Pac. 929; *Saylor v. Duel*, 236 Ill. 429, 86 N. E. 119. The legislature may usually vary, within wide limits, the jurisdiction even of constitutional courts. *Lake Erie & Western Ry. Co. v. Watkins*, 157 Ind. 600, 62 N. E. 443. The decision in the principal case must rest on the ground that the new powers of the Appellate Court deprive the Supreme Court of its supremacy. *Cf. Hildreth v. McIntire*, 1 J. J. Marsh. (Ky.) 206; *Court of Appeals*, 9 Colo. 623, 21 Pac. 471. It is not necessary to accept the argument of the Virginia court, that supremacy is entirely independent of jurisdiction. See *Sharpe v. Robertson*, 5 Grat. (Va.) 518, 604-608, 624-630. Lack of jurisdiction may make the authority of the court's opinions, its indestructibility and freedom from review, mere empty forms. Yet a constitutional court's greater authority, expressly recognized by the legislature as in this act, has more than a nominal value. The matter of jurisdiction is one of degree, but here, also, the field conferred upon the Appellate Court was apparently not as important as that of the older tribunal. It may fairly be said that the Supreme Court was still supreme, its jurisdiction legitimately limited in the interest of effective justice.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — STATUTE AUTHORIZING SUBPÆNA TO COMPEL PERSON IN ONE STATE TO TESTIFY IN ANOTHER. — A state statute authorized the granting of a *subpæna* to compel a person residing or being in the state to appear as witness in a prosecution for felony pending in any border state which had a similar statute, upon presentation to the judge issuing the *subpæna* of proof of the necessity of such witness, opportunity being given to the witness to appear before the judge to be heard in opposition thereto, and suitable provision being made for his expenses. *Held*, that the statute is constitutional. *Commonwealth of Massachusetts v. Klaus*, 130 N. Y. Supp. 713 (App. Div.).

The court overrules a former decision in the Supreme Court, Special Term, which declared this statute unconstitutional as depriving a person of liberty without due process of law. *Matter of Commonwealth of Pennsylvania*, 45 N. Y. Misc. 46, 90 N. Y. Supp. 808. See 18 HARV. L. REV. 466. There would seem to be ample provision for due process of law. The witness is allowed to be heard before the judge issuing the *subpæna* and ample indemnity is provided. The duty of a citizen to appear as a witness in judicial proceedings and the correlative right to compel him to appear have always been recognized. *In re Application of Clark*, 65 Conn. 17, 31 Atl. 522. The constitutionality of statutes recognizing the duty of a citizen to give testimony for use in other states and enforcing it to the extent of compelling him to make a deposition for the purpose is unquestioned. *In the Matter of United States Pipe Line Co.*, 16 N. Y. App. Div. 188, 44 N. Y. Supp. 713. The statute in the principal case is but an extension of the recognition of this duty, and whether enacted primarily to facilitate indirectly the administration of justice in the state itself, or for the facilitation of the administration of justice in general, as it does not violate any express constitutional provision, it must be held valid.

CONSTITUTIONAL LAW — PERSONAL RIGHTS: CIVIL, POLITICAL AND RELIGIOUS — ELECTIONS: DISCRIMINATION IN FORM OF BALLOT. — Chapter 649 of the New York Laws of 1911 provided that "if any person shall have been nominated by more than one political party . . . for the same office, his name

shall be printed but once upon the ballot"; and in the party column where his name is not printed shall be printed "see — column"; and to vote a "straight ticket" on such a party column, a mark shall be placed not only at the head of the column, but also opposite the place where such candidate's name is actually printed. *Held*, that the law is unconstitutional. *In the Matter of Hopper*, 46 N. Y. L. J. 221 (N. Y. Ct. App., Oct., 1911). See NOTES, p. 176.

CORPORATIONS — DISSOLUTION — DEVOLUTION OF REAL PROPERTY. — A social corporation not organized for profit purchased land and occupied it for seven years, when its activity ceased. The surviving trustee occupied it until the expiration of the corporation's charter. Then the heirs of the grantor, having acquired the rights of the other trustees in addition to their own, entered. The surviving trustee brought suit for partition. The members of the corporation at the time of its dissolution and their heirs intervened. *Held*, that the land should go to the members and heirs of members of the corporation at the time of its dissolution. *McAlhany v. Murray*, 71 S. E. 1025 (S. C.).

The rule set forth in *Coke on Littleton*, 13 *b*, that upon the dissolution of a corporation its realty reverts to the grantor is inapplicable to business or municipal corporations, or to social corporations in which the members have a pecuniary interest. *Bacon v. Robertson*, 18 How. (U. S.) 480; *Brookline Park Commissioners v. Armstrong*, 45 N. Y. 234; *Wilson v. Leary*, 120 N. C. 90, 26 S. E. 630. But innumerable *dicta* assert that it applies to charitable corporations. See *St. Philip's Church v. Zion Presbyterian Church*, 23 S. C. 297; *Mormon Church v. United States*, 136 U. S. 1, 47. Many text writers take *Coke's* view. See 1 BL. COMM. 484; 2 KENT COMM. 282, 307. And one decision sustains it. *Mott v. Danville Seminary*, 129 Ill. 403; 136 *id.* 289. But on the other hand, in the authorities which *Coke* cites as supporting his rule, only one *dictum* is to be found which warrants his general statement. See GRAY, RULE AGAINST PERPETUITIES, §§ 44-51 *a*. And the only English decision holds that the land escheats. *Johnson v. Norway*, Winch 37. This theory avoids the presentation to the grantor's heirs of undeserved wealth. It avoids also the objection under the statute of *Quia Emptores* to determinable fees. In South Carolina tenure exists, and the statute of *Quia Emptores* is not in force. See GRAY, RULE AGAINST PERPETUITIES, §§ 23, 27. Nevertheless land escheats to the state. 5 STAT. OF S. C., 1839, no. 1381, § 2; *City Council v. Lange*, 1 Mill (S. C.) 454. Hence this theory could apply. Nor is the principal case inconsistent with it, as the state is not a party to the suit.

CORPORATIONS — STOCKHOLDERS: INDIVIDUAL LIABILITY TO CORPORATION AND CREDITORS — NATURE OF LIABILITY IMPOSED BY STATUTE. — A statute imposed a double liability on stockholders of business corporations. A holder of debenture bonds sued a stockholder under this statute sixteen years after the corporation became insolvent. *Held*, that the cause of action is based on an implied contract, and is barred by the Statute of Limitations. *Little v. Kohn*, 185 Fed. 295 (Circ. Ct., E. D. Pa.).

A debt created by statute is considered a specialty debt, and the Statute of Limitations in question applied only to contracts without specialty. 2 PURDON'S DIG. (Pa.), 13 ed., 2282. But the liability in the principal case may be regarded as contractual or statutory. By consenting to become a stockholder a promise to assume the statutory liability may be implied. The courts recognize the dual nature of the liability. The constitutional provision against impairing the obligation of contracts applies. *Hawthorne v. Calef*, 2 Wall. (U. S.) 10. But on the other hand, in a recent case a married woman without capacity to contract was held as on a statutory liability. *Smathers v. Western Carolina Bank*, 71 S. E. 345 (N. C.). These cases were rightly decided, but on